

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4220 OF 2006

Dilip Vinayak Aher .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.H.S.Venegaonkar for applicant

Mr.S.S.Pednekar, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 11th December 2006

P.C.

. Applicant apprehends arrest in connection with C.R.No.271 of 2006 registered with Panchavati Police Station (now transferred to EOW, Crime Branch, Nashik.

2. It is the case of applicant that he was Director from the Scheduled Caste category of the society. His period was from 1991-92 till 2001. He had his own small business and had borrowed some amounts from the society. Although the amount has been duly repayed, society proceeded to file a dispute in the Coop.Court but the dispute was dismissed. The loan, according to society, is Rs.6 lakhs.

3. However, upon perusal of the application and annexures thereto, I do not find any reference insofar as the present applicant is concerned, either in the report of the Auditor or otherwise. So also there is no denial of the averments in the application.

4. All that is stated that in para 17 of the report. The name of the present applicant is mentioned as one of the Directors. He consented

to sanction loans to the other directors and their relations. Thus, his role as a Director is sought to be put in issue. Thus, in facts peculiar to him, I do not find any case for custodial interrogation being made out. Applicant, therefore, deserves pre-arrest bail. Hence following order:-

i) In the event of the arrest of the applicant in connection with C.R.No.271 of 2006 registered with Panchavati Police Station, (now transferred to EOW, Crime Branch, Nashik) the applicant shall be enlarged on bail in the sum of Rs.50,000/- with one or two sureties in the like amount.

ii) The bail is granted subject to condition that the applicant to forthwith surrender his passport, if any, to the I.O. Applicant shall not leave Nashik

city without prior permission of trial court. The applicant shall report to E.O.W.Crime Branch, Nashik once a week on every Monday between 11.00 a.m. and 1.00 p.m. till the charge sheet is filed and thereafter as directed by the trial court till conclusion of trial.

iii) Bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the police officer/ investigating agency. The applicant shall not tamper with the prosecution evidence.

iv) Any observation made in this

order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial

v) This order will enure to the benefit of the applicant only till charge sheet is filed. Thereafter, he will be free to apply to the appropriate court for appropriate relief.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)